

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2013-27

SURE DEFENSE PEST SOLUTIONS, INC.
RYAN J. FREDRICK, PRES.
P. O. Box 831
Tracy, CA 95378
Company Registration Certificate No. PR
6103

OAH No. 2013060927

KEVIN MICHAEL BORGES
P. O. Box 831
Tracy, CA 95378
Field Representative's License No. FR 36184

and

RYAN J. FREDERICK
P. O. Box 831
Tracy, CA 95378
Registered Applicator License No. RA 51186

Respondents.

DECISION AND ORDER

The attached Stipulated Surrender of Licenses and Order is hereby adopted by the
Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 8, 2014.

It is so ORDERED July 9, 2014.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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2 KENT HARRIS
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8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

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12 **SURE DEFENSE PEST SOLUTIONS, INC.**
13 **RYAN J. FREDRICK, PRES.**

OAH No. 2013060927

14 **P. O. Box 831**
Tracy, CA 95378
Company Registration Certificate No. PR
15 **6103**

STIPULATED SURRENDER OF
LICENSE AND ORDER

16 **KEVIN MICHAEL BORGES**
P. O. Box 831
Tracy, CA 95378
17 **Field Representative's License No. FR 36184**

(SURE DEFENSE PEST SOLUTIONS,
INC., KEVIN MICHAEL BORGES,
RYAN J. FREDRICK-ONLY)

18 **and**

19 **RYAN J. FREDERICK**
P. O. Box 831
20 **Tracy, CA 95378**
21 **Registered Applicator License No. RA 51186**

22 Respondents.

23 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest
27 Control Board. She brought this action solely in her official capacity and is represented in this
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1 matter by Kamala D. Harris, Attorney General of the State of California, by Elena L. Almanzo,
2 Deputy Attorney General.

3 2. Sure Defense Pest Solutions, Inc., Kevin Michael Borges, Ryan J. Fredrick
4 (Respondents) are representing themselves in this proceeding and has chosen not to exercise their
5 right to be represented by counsel.

6 **Company Registration Certificate No. PR 6103**

7 3. On or about August 3, 2010, the Structural Pest Control Board issued Company
8 Registration Certificate No. PR 6103 to Sure Defense Pest Solutions, Inc., Ryan J. Fredrick, Pres.,
9 Kevin Michael Borges, VP (Respondent Sure Defense Pest Solutions). The Company
10 Registration Certificate was in full force and effect at all times relevant to the charges brought in
11 Accusation No. 2013-27 and was suspended on February 4, 2014 for no qualifying manager.

12 **Field Representative License No. FR 36184**

13 4. On or about July 17, 2003, the Board issued Field Representative' License No.
14 FR 36184, in Branch 2, to Kevin M. Borges ("Respondent Borges"). On or about May 11, 2007,
15 the license was upgraded to include Branch 3. On or about August 3, 2010, Respondent Borges
16 became employed by and Vice President of Sure Defense Pest Solutions, Inc. The license will
17 expire on June 30, 2015, unless renewed.

18 **Applicator License No. RA 51186**

19 5. On or about July 26, 2010, the Board issued Applicator License No. RA 51186, in
20 Branch 2 and 3, to Ryan J. Frederick ("Respondent Frederick"). On or about August 3, 2010,
21 Respondent Frederick became employed by and President of Sure Defense Pest Solutions, Inc.
22 The license will expire on July 26, 2016, unless renewed.

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24 **JURISDICTION**

25 6. Accusation No. 2013-27 was filed before the Structural Pest Control Board (Board),
26 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
27 and all other statutorily required documents were properly served on Respondents on December
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20, 2012. Respondents timely filed their Notice of Defense contesting the Accusation. A copy of Accusation No. 2013-27 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

7. Respondents Sure Defense, Kevin J. Borges, and Ryan Fredrick have carefully read, and understand the charges and allegations in Accusation No. 2013-27. Respondents also have carefully read, and understand the effects of this Stipulated Surrender of License and Order.

8. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; their right to be represented by counsel, at their own expense; their right to confront and cross-examine the witnesses against them; their right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

10. Respondent Sure Defense, Kevin J. Borges, and Ryan J. Fredrick admit the truth of each and every charge and allegation in Accusation No. 2013-27, agree that cause exists for discipline and hereby surrenders their Company Registration Certificate No. PR 6103, Field Representative License No. FR 36184, and Registered Applicator License No. RA 51186 for the Board's formal acceptance.

11. Respondents understand that by signing this stipulation they enable the Board to issue an order accepting the surrender of their Company Registration Certificate, Field Representative License and Registered Applicator License without further process.

CONTINGENCY

12. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondents understand and agree that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and

1 surrender, without notice to or participation by Respondents. By signing the stipulation,
2 Respondents understand and agree that they may not withdraw their agreement or seek to rescind
3 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
4 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
5 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
6 between the parties, and the Board shall not be disqualified from further action by having
7 considered this matter.

8 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
9 copies of this Stipulated Surrender of License and Order, including Portable Document Format
10 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

11 14. This Stipulated Surrender of License and Order is intended by the parties to be an
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
14 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
15 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
16 executed by an authorized representative of each of the parties.

17 15. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 6103, issued to
21 Respondent Sure Defense Pest Solutions, Inc., Ryan J. Fredrick, Pres., Field Representative
22 License No. FR 36184 issued to Kevin Michael Borges, and Registered Applicator License No.
23 RA 51186 issued to Ryan J. Fredrick, are surrendered and accepted by the Structural Pest Control
24 Board.

25 1. The surrender of Respondent's Company Registration Certificate, Field
26 Representative License, and Registered Applicator License and the acceptance of the surrendered
27 Certificate and licenses by the Board shall constitute the imposition of discipline against
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1 Respondents. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondents license history with the Structural Pest Control Board.

3 2. Respondents shall lose all rights and privileges as a Registered Company, Field
4 representative, and Registered Applicator in California as of the effective date of the Board's
5 Decision and Order.

6 3. Respondents shall cause to be delivered to the Board their pocket license and, if one
7 was issued, their wall certificate on or before the effective date of the Decision and Order.


8 4. If Respondents ever file an application for licensure or a petition for reinstatement in
9 the State of California, the Board shall treat it as a petition for reinstatement. Respondents must
10 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
11 effect at the time the petition is filed, and all of the charges and allegations contained in
12 Accusation No. 2013-27 shall be deemed to be true, correct and admitted by Respondents when
13 the Board determines whether to grant or deny the petition.

14 5. Respondents shall be jointly and severally liable and shall pay the agency its costs of
15 investigation and enforcement in the amount of \$2,779.10 prior to issuance of a new or reinstated
16 license.

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2 ACCEPTANCE

3 I have carefully read the Stipulated Surrender of License and Order. I understand the
4 stipulation and the effect it will have on my Company Registration Certificate, Field
5 Representative License, and Registered Applicator License. I enter into this Stipulated
6 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
7 by the Decision and Order of the Structural Pest Control Board.

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9 DATED: 2-27-14


SURE DEFENSE PEST SOLUTIONS, INC.,
RYAN J. FREDRICK, Pres.
Respondent

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12 DATED: 2/23/14


KEVIN MICHAEL BORGES.
Respondent

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15 DATED: 2-27-14


RYAN J. FREDRICK
Respondent


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18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
20 for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

21 Dated: 3/3/2014

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 KENT HARRIS
25 Supervising Deputy Attorney General

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27 ELENA L. ALMANZO
28 Deputy Attorney General
Attorneys for Complainant

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